IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

OP.No. 31273 of 2002(W)

PETITIONER:

N. JAYADEVAN, JAYAVILASOM,
KOLANNOOR, IRUMPANANGAD P.O.,
EZHUKONE, KOTTARAKARA.

BY ADV. SRI.C.V.VASUDEVAN
SMT.V.SUJATHA

RESPONDENTS:
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1. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, KOLLAM P.O.

2. **THE SECRETARY, EZHUKONE GRAMA**
   PANCHAYAT, EZHUKONE P.O., KOLLAM DIST.

3. **THE PRESIDENT, EZHUKONE GRAMA**
   PANCHAYAT, EZHUKONE P.O., KOLLAM.

BY ADV. SRI.N.JAMES KOSHY for R2 & R3
BY SR.GOVERNMENT PLEADER SRI.JOHN JOSEPH VETTIKKAD
GOVERNMENT PLEADER SMT. K.R.DEEPA for R1

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.52873/2002 IN O.P.NO.31273/2002 W

DISMISSED

14/06/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE NOTICE OF PLANNING SCHEME DTD. 13/09/1999.**

EXT.P2: **COPY OF THE ORDER DTD. 23/03/2001 IN C.M.P.NO.258/2001 IN O.P.NO.25141/2000R ON THE FILE OF THE HON'BLE COURT.**

EXT.P3: **COPY OF THE JUDGMENT DTD. 12/06/2001 IN O.P.NO.25141/2000R.**

EXT.P4: **COPY OF THE REPRESENTATION DTD. 10/11/2001 FILED BY THE PETITIONER AGAINST THE DENIAL OF DISTRIBUTION OF BENEFITS.**

EXT.P5: **COPY OF THE NOTICE DTD. 10/10/2001 ISSUED BY THE 2ND RESPONDENT INVITING APPLICATIONS FOR GETTING BENEFIT.**

EXT.P6: **COPY OF THE NOTICE DTD. 19/09/2002 ISSUED BY THE 2ND RESPONDENT INVITING APPLICATION FOR BENEFIT.**

2ND RESPONDENT'S EXHIBITS:

EXT.R2(A): **COPY OF THE RANK LIST WITH RESPECT TO WARD NO.6.**

EXT.R2(B): **COPY OF THE CIRCULAR DTD. 30/07/2001.**

EXT.R2(C): **COPY OF THE LIST OF ELIGIBLE APPLICANTS IN THE 13 NEW WARDS.**

EXT.R2(D): **COPY OF THE DECISION OF THE PANCHAYAT DTD. 30/03/2002.**

/TRUE COPY/

KSS

KURIAN JOSEPH, J.

O.P.No. 31273 of 2002

Dated this the 14th day of June, 2007

JUDGMENT

The issue raised in this writ petition pertains to the claim made by the petitioner for monetary assistance for construction of a house. According to him he was ranked No.17 in the list of beneficiaries prepared by the Panchayat and the benefit has already granted to rank No.16. Pursuant to the interim order dated 25-10-2002 an amount of Rs.25,000/- has already been set apart. The contention taken by the Panchayat is that the name of the petitioner is not included in the new list since he did not apply for the same. But the petitioner submits that unless the original list is exhausted, there is no point in preparing a new list by the Panchayat. Be that as it may, since the petitioner has been included in the original list prepared by the Panchayat and since an amount of Rs.25,000/- has already been set apart pursuant to interim orders passed by this court, there will be a direction to the first respondent to look into the grievance of the petitioner with notice to the petitioner and the

second and third respondents and see whether the assistance to the extent of Rs.25,000/- set apart pursuant to the direction of this court could be granted to the petitioner for the construction of his house. Orders in the matter as above shall be passed by the first respondent within a period of two months from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.31273/2002

JUDGMENT

14th June, 2007